

To: CN=Don Waye/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
Bcc: []
From: CN=Stephen Sweeney/OU=DC/O=USEPA/C=US
Sent: Thur 5/3/2012 3:18:49 PM
Subject: Re: Fw: CZARA and Oregon's agriculture program
www.NorthwestEnvironmentalAdvocates.org
nbell@advocates-nwea.org

Don,

Do you want any legal work on the question of whether EPA can revisit?

Ex. 5 - Attorney Client

Thanks,

Steve

Stephen J. Sweeney
sweeney.steve@epa.gov
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From: Don Waye/DC/USEPA/US
To: Stephen Sweeney/DC/USEPA/US@EPA, Ankur Tohan/R10/USEPA/US@EPA
Cc: David Powers/R10/USEPA/US@EPA, Lynda Hall/DC/USEPA/US@EPA
Date: 05/03/2012 11:14 AM
Subject: Fw: CZARA and Oregon's agriculture program

Steven & Ankur,

I hope you both are doing well.

For your records, I have attached is a 33-page letter from Nina Bell, NWEA, calling into question our ability and justification to approve Oregon's coastal nonpoint program under CZARA based on AGRICULTURAL concerns. Nina/NWEA is moving beyond forestry concerns. I thought you should have a look. NOAA and EPA are debating how to respond to the letter, if at all. We are in the process of developing a brief response letter to a slightly less recent lengthy letter from Nina/NWEA expressing concern with the pace and integrity of the Implementation-Ready MidCoast TMDL that the settlement agreement hinges on.

Any thoughts on Nina's concerns are welcome, but not required.

Don Waye
 U.S. Environmental Protection Agency
 Nonpoint Source Control Branch (OWOW/AWPD)

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----- Forwarded by Don Waye/DC/USEPA/US on 05/03/2012 11:05 AM -----

From: Don Waye/DC/USEPA/US

To: David Powers/R10/USEPA/US@EPA

Cc: Alan Henning/R10/USEPA/US@EPA, Anthony Barber/R10/USEPA/US@EPA, David Croxton/R10/USEPA/US@EPA, Jayne Carlin/R10/USEPA/US@EPA, Jennifer Wu/R10/USEPA/US@EPA, Karma Anderson/R10/USEPA/US@EPA, Mike Bussell/R10/USEPA/US@EPA, Rick Seaborne/R10/USEPA/US@EPA, Lynda Hall/DC/USEPA/US@EPA, Katie Flahive/DC/USEPA/US@EPA

Date: 05/03/2012 10:24 AM

Subject: Re: Fw: CZARA and Oregon's agriculture program

Dave,

Thanks for this update and transmitting Nina Bell's latest letter.

Ex. 5 - Deliberative**Ex. 5 - Deliberative**

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As for using the current federal response letter to also address her latest missive, I'd be supportive of merely acknowledging receipt of the letter and a statement that we will comprehensively update our final decision document based on a consideration of all the facts at the time of our final decision.

Don Waye

U.S. Environmental Protection Agency

Nonpoint Source Control Branch (OWOW/AWPD)

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From: David Powers/R10/USEPA/US

To: Jennifer Wu/R10/USEPA/US@EPA, David Croxton/R10/USEPA/US@EPA, Jayne Carlin/R10/USEPA/US@EPA, Don Waye/DC/USEPA/US@EPA, Alan Henning/R10/USEPA/US@EPA, Karma Anderson/R10/USEPA/US@EPA, Rick Seaborne/R10/USEPA/US@EPA

Cc: Anthony Barber/R10/USEPA/US@EPA, Mike Bussell/R10/USEPA/US@EPA

Date: 05/02/2012 06:29 PM

Subject: Fw: CZARA and Oregon's agriculture program

Attached is a letter from NWEA that raises concerns about EPA/NOAA approval of the OR's CNPCP management measures for agriculture.

EPA and NOAA have not been able to approve the following three areas of OR's CNPCP: Management measures for new developments &, OSDS and additional management measures for forestry. A few dozen other areas of the OR CNPCP have been "approved" (highways & bridges, monitoring, agriculture, marinas, etc.) and NOAA and EPA have been waiting for the State to address the three outstanding areas of the CNPCP before making a final determination on OR's CNPCP.

I haven't read NWEA's 33 page letter yet but a quick skim indicates that NWEA believes that OR's nonpoint source program for agriculture should not be approved. Although we haven't made a final determination on OR's CNPCP the only issues we've raised with the State for the past several years relate to conditions for new developments & OSDS and additional management measures for forestry. Forestry has been the primary focus of NWEA and the settlement agreement does not mention agriculture. I should note the mid-coast implementation ready TMDL will address agriculture as well as other sectors in the mid-coast basins. So will IR TMDLs for other coastal basins.

NOAA and EPA are working on a response to NWEA prior letter....should be consider using that response for the attached NWEA letter too?

p.s. I've included Karma and Rick because ag is the focus of the latest NWEA letter and we may run in to similar issues related to a final decision on WA's CNPCP.

David Powers
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----- Forwarded by David Powers/R10/USEPA/US on 05/02/2012 01:14 PM -----

From: "Nina Bell" <nbell@advocates-nwea.org>
To: Mike Bussell/R10/USEPA/US@EPA, <John.King@noaa.gov>
Cc: <Allison.Castellan@NOAA.gov>, <PEDERSEN.Dick@deq.state.or.us>, "Bill Blosser" <bill@wrb-consulting.com>, "ALDRICH Greg" <ALDRICH.Greg@deq.state.or.us>, "FOSTER Eugene P" <FOSTER.Eugene@deq.state.or.us>, David Powers/R10/USEPA/US@EPA, <kim.kratz@noaa.gov>, Marylou Soscia/R10/USEPA/US@EPA, <jeffrey.lockwood@noaa.gov>, David Croxton/R10/USEPA/US@EPA, Alan Henning/R10/USEPA/US@EPA, <paul_henson@fws.gov>
Date: 05/02/2012 11:41 AM
Subject: CZARA and Oregon's agriculture program

Please find a letter attached concerning EPA and NOAA's interim approval of Oregon's agricultural coastal nonpoint pollution program.

Nina

Nina Bell, J.D., Executive Director
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[attachment "CZARA agriculture letter 5 2012.pdf" deleted by Stephen Sweeney/DC/USEPA/US]